

AO 44C (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

DAVID GOLD, on behalf of himself and all others
similarly situated,

V.

AFNI, INC.

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

SEP 17 2007

07 CIV 8121

JUDGE JONES

TO: (Name and address of Defendant)

AFNI, INC.
404 Brock Drive
Bloomington, Illinois 61701

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

DAVID J. GOLD, P.C.
116 JOHN STREET, SUITE 3110
NEW YORK, NEW YORK 10038

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

SEP 17 2007

CLERK

DATE

(By) DEPUTY CLERK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DJGPC FILE
NO.: 1104124

-----X
DAVID GOLD, on behalf of
himself and all others
similarly situated,

Plaintiff,

-against-

AFNI, INC.,

Defendant.
-----X

Case No.

07 CIV 8121

JUDGE JONES

SEP 17 2007
VERIFIED
COMPLAINT S.D.N.Y.
CASHIERS

PRELIMINARY STATEMENT

FIRST: Plaintiff, DAVID GOLD, brings this action on his own behalf, and on behalf of others similarly situated, for damages and declaratory and injunctive relief arising from the defendant's violation of § 1692, et. seq. of Title 15 of the United States Code, The Fair Debt Collection Practices Act ("FDCPA"), which prohibits debt collectors from engaging in any false, deceptive, or misleading representation or means in connection with the collection of any debt.

PARTIES

SECOND: Plaintiff is a citizen of the United States of America who resides within the City, County and State of New York.

THIRD: Defendant, upon information and belief, was and still is a foreign corporation duly organized and existing under and by virtue of the laws of the State of Illinois, and upon information and belief, is authorized to conduct business in the State of New York. Defendant's principal place of business is located at 404 Brock Drive, Bloomington, Illinois 61701. Upon information and belief, the principal purpose of defendant is the collection of debts using mail, and the defendant regularly attempts to collect debts alleged to be due to another. Defendant's City of New York, Department of Consumer Affairs collection agency license number is 1072175.

JURISDICTION and VENUE

FOURTH: This Court has Federal question and diversity jurisdiction over this action pursuant to 28 U.S.C. § 1331. This is an action for violation of 15 U.S.C. § 1692.

FIFTH: Venue is proper in this district pursuant under 28 U.S.C. § 1391(b)(2).

CLASS ACTION ALLEGATIONS

SIXTH: Plaintiff brings this action as a nationwide class action, pursuant to Rule 23 of the Federal Rules of Civil Procedure ("FRCP"), on behalf of himself and all consumers similarly situated who received any debt collection notices and/or letters from defendant which are in violation of the FDCPA, as of the date of defendant's communications, and their successors-in-interest (the "Class"). Excluded from the Class is the defendant herein, any person, firm, trust, corporation, or other entity related to or affiliated with defendant, including, without limitations, persons who are officers, directors, employees or associates of AFNI, INC.

SEVENTH: This action is properly maintained as a class action. This class satisfies all requirements of Rule 23 for maintaining a class action.

EIGHTH: The Class is so numerous that joinder of members is impracticable.. Upon information and belief, thousands of persons have received debt collection notices from defendant which violates various provisions of the FDCPA.

NINTH: There are questions of law and fact which are common to the Class and which predominate over questions affecting any individual Class member. These common questions of law and fact include, without limitation:

a. whether defendant violated various provisions of the FDCPA, including by not limited to 15 U.S.C. § 1692e(2) (A) and 1692e(10);

b. whether plaintiff and the Class have been injured by defendant's conduct;

c. whether plaintiff and the Class have sustained damages and are entitled to restitution as a result of defendant's wrongdoing and, if so, what is the proper measure and appropriate statutory formula to be applied in determining such damages and restitution; and

d. whether plaintiff and the Class are entitled to declaratory and/or injunctive relief.

TENTH: Plaintiff's claims are typical of the claims of the Class, and plaintiff has no interests adverse or antagonistic to the interests of other members of the Class.

ELEVENTH: Plaintiff will fairly and adequately protect the interests of the Class and have retained experienced counsel, competent in the prosecution of class action litigation.

TWELFTH: A class action is superior to other methods for the fair and efficient adjudication of the claims herein asserted. Plaintiff anticipates that no unusual difficulties are likely to be encountered in the management of this class action.

THIRTEENTH: A class action will permit a large number of similarly situated persons to prosecute their common claims in a single forum simultaneously, efficiently, and without the duplication of effort and expense that numerous individual actions would encounter. Class treatment also will permit adjudication of relatively small claims by many Class members who could not otherwise afford to seek legal redress for the wrongs complained herein. Absent a class action, the Class members will continue to sustain losses of statutorily protected rights as well as monetary damages and, if defendant's conduct will proceed without remedy, it will continue to reap and retain the proceeds of its ill-gotten gains.

FOURTEENTH: Defendant has acted on grounds generally applicable to the entire Class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the Class as a whole.

STATEMENT OF FACTS

FIFTEENTH: That heretofore and on or about the 01st day of June, 2007, defendant sent a communication to plaintiff stating that a debt is owed to Verizon New

York Inc., a copy of which is annexed hereto and made a part hereof and marked as plaintiff's Exhibit "1."

SIXTEENTH: That upon investigation by plaintiff of this purported debt, it was discovered that the alleged debt dates back to August, 1994.

SEVENTEENTH: That, upon information and belief, heretofore and on or about June 07, 2007, and on or about the 18th day of June, 2007, plaintiff sent writings to defendant requesting supporting documentation of the alleged debt. A copy of said letters are annexed hereto and made a part hereof and marked as plaintiff's Exhibit "2."

EIGHTEENTH: The said communication from defendant is a false representation of the character, amount and legal status of the debt, and violates 15 U.S.C. § 1692e(2)(A). Defendant never intended to take any action relative to this debt as same was over 20 years old. Defendant's letter is a false, deceptive, or misleading representation or means in connection with the collection of any debt.

NINETEENTH: Defendant's false, deceptive, or misleading representation or means in connection with the collection of any debt, violates 15 U.S.C. § 1692e(10).

TWENTIETH: Defendant's letter, dated June 01, 2007, violates 15 U.S.C. § 1692e(2) (A) and 1692e(10).

TWENTY-FIRST: That as a result of defendant's false, deceptive, or misleading representation and unfair debt collection practices, plaintiff has been damaged.

AS AND FOR A FIRST CAUSE OF ACTION
AGAINST DEFENDANT:

TWENTY-SECOND: That plaintiff repeats, reiterates and realleges each and every allegation as set forth in paragraphs marked "FIRST" through "TWENTY-FIRST" of the complaint as if same were more fully set forth herein at length.

TWENTY-THIRD: Defendant's debt collection letter violated and overshadowed various provisions of FDCPA, including but not limited to 15 U.S.C. § 1692e(2) (A) and 1692e(10).

TWENTY-FOURTH: That as a result of defendant's false, deceptive, or misleading representation and unfair debt collection practices, plaintiff is entitled to statutory, compensatory and punitive damages against defendant, plus reasonable attorney's fees as permissible by law, together with the costs and disbursements of this action.

WHEREFORE, plaintiff respectfully requests that this Court enter judgment its favor against defendant on the first cause of action as follows:

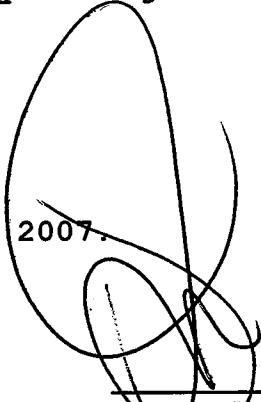
1. declaring this action is properly maintainable as a class action and certifying same as a class action and certifying plaintiff as the Class representative;

2. issuing a preliminary and permanent injunction restraining defendant, its employees, agents and successors from, inter alia, engaging in conduct and practices that are in violation of the FDCPA;

3. issuing a declaratory Order requiring defendant to make corrective disclosures;

4. awarding plaintiff statutory damages;
5. awarding Class members the maximum statutory damages;
6. awarding plaintiff punitive damages;
7. awarding plaintiff reasonable attorney's fees as permissible by law, plus the costs and disbursements of this action; and
8. granting plaintiff such other, further and different relief as this Court may deem just and proper in the premises.

Dated: New York, New York
 Wednesday, September 12, 2007.



DAVID J. GOLD, P.C.
(DG-4912)

Attorney for Plaintiff
Office & P.O. Address
116 John Street, Suite 3110
New York, New York 10038-3411
Tel.: (212) 962-2910
Fax: (212) 962-2919
EMail: djgpcsq1@aol.com

Afni, Inc.
PO Box 3427
Bloomington, IL 61702-3427
(888)257-1585
www.afnicollections.com

JUN 07 2007

COLLECTION NOTICE

This account has been acquired by our agency for collection. We believe it is in your best interest to resolve this account.

If you have any questions, please contact our office toll free at (888)257-1585 Monday through Friday 7am-9pm CST. For proper credit on your account, please write this number 022379561-02 on your payment.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of the debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice that you dispute the validity of the debt or any portion thereof, this office will: obtain verification of the debt or obtain a copy of a judgement and mail you a copy of such judgement or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor. This is an attempt to collect a debt. Any information obtained will be used for the purpose. You have the right to inspect your credit. This letter is from a debt collector.

Please see reverse side of this notice for our Privacy Statement and credit card payment options.

To manage your account online, visit us at : www.afnicollections.com

New York City Department of Consumer Affairs License Number #1072175

This account is for a remaining balance from the original creditor for services associated with the previous telephone number listed below.

Please retain this information for your records

Afni, Inc. Account #	Balance Due	Original Creditor	Disconnected Phone #	Date
022379561-02	\$108.25	Verizon New York Inc.	(516)365-1899	6/1/2007

Detach along perforation and return bottom portion along with payment in the enclosed envelope. Credit card payment options are on the back of notice.



For proper credit, please include your Afni account # listed below on your check



AFNFI-0601F235661-QWSP-2 35661

Department 555
PO BOX 4115
CONCORD CA 94524



Afni, Inc. Account #: 022379561-02
Original Creditor: Verizon New York Inc.
Disconnected Phone #: (516)365-1899
Balance Due: \$108.25
Date: 6/1/2007
Toll Free: (888)257-1585

ADDRESS SERVICE REQUESTED

#BWNFTZF #AFN7316295707065#



David Gold
116 JOHN ST RM 3110
New York NY 10038-3411

1 02022379561 991510 10825

PO Box 3427
Bloomington, IL 61702-3427



LAW OFFICES OF
DAVID J. GOLD, P.C.
116 JOHN STREET
SUITE 3110
NEW YORK, NEW YORK 10038-3411

TEL.: 212.962.2910
FAX: 212.962.2919
EMAIL: DJGPCESQ1@AOL.COM

6/18/07

VIA FACSIMILE ONLY: 309.820.2682

Thursday, June 07, 2007

AFNI, INC.
P.O. Box 3427
Bloomington, Illinois 61702-3427

ATT: D.P. SUPPORT

RE: DAVID J. GOLD
Account No.: 022379561-02

Gentlemen:

In furtherance of my telephone conversation with Jeff of your office this afternoon, this shall serve to confirm that I have requested supporting documentation, in connection with the above-entitled matter.

Kindly fax same to my office as I understand that this purported debt dates back to services during the period 1989 through August, 1994.

Thank you.

Very truly yours,

DAVID J. GOLD

DJG/lis

6/26/07

DATE:

**THIRD AND
FINAL REQUEST**

PLEASE RESPOND

DATE:

"SECOND REQUEST"

PLEASE RESPOND

*****~*****
*** FAX TX REPORT ***
*****~*****

TX IMAGE SET NOT TO DISPLAY

TRANSMISSION OK

JOB NO.	0102
DESTINATION ADDRESS	13098202682
PSWD/SUBADDRESS	
DESTINATION ID	
ST. TIME	06/18 07:49
USAGE T	00' 24
PGS.	2
RESULT	OK

*** FAX TX REPORT ***

TX IMAGE SET NOT TO DISPLAY

TRANSMISSION OK

JOB NO.	0010
DESTINATION ADDRESS	13098202682
PSWD/SUBADDRESS	
DESTINATION ID	
ST. TIME	06/07 15:53
USAGE T	00'19
PGS.	1
RESULT	OK

*** FAX TX REPORT ***

TX IMAGE SET NOT TO DISPLAY

TRANSMISSION OK

JOB NO.	0313
DESTINATION ADDRESS	13098202682
PSWD/SUBADDRESS	
DESTINATION ID	
ST. TIME	06/26 07:23
USAGE T	00' 33
PGS.	3
RESULT	OK

LAW OFFICES OF
DAVID J. GOLD, P.C.
116 JOHN STREET
SUITE 3110
NEW YORK, NEW YORK 10038-3411

TEL.: 212.962.2910
FAX: 212.962.2919
EMAIL: DJGPCESQ1@AOL.COM

VIA FACSIMILE ONLY: 309.820.2682

Monday, July 09, 2007

AFNI, INC.
P.O. Box 3427
Bloomington, Illinois 61702-3427

ATT: D.P. SUPPORT

RE: DAVID J. GOLD
Account No.: 022379561-02

Gentlemen:

As you know, I have been requesting backup information and supporting documentation concerning a purported debt dating back to 1989, in connection with the above-entitled matter.

To date, my office has not received the information requested on numerous occasions.

I will afford your office five (5) from the date hereof to respond in writing, in the absence of which my office has been instructed to proceed accordingly.

Very truly yours,

DAVID J. GOLD

DATE: 7/26/07

DJG/lis

**THIRD AND
FINAL REQUEST**

PLEASE RESPOND

DATE: 7/18/07

"SECOND REQUEST"

PLEASE RESPOND

*** FAX TX REPORT ***

TX IMAGE SET NOT TO DISPLAY

TRANSMISSION OK

JOB NO.	0891
DESTINATION ADDRESS	13098202682
PSWD/SUBADDRESS	
DESTINATION ID	
ST. TIME	07/26 07:52
USAGE T	00' 35
PGS.	3
RESULT	OK

*** FAX TX REPORT ***

TX IMAGE SET NOT TO DISPLAY

TRANSMISSION OK

JOB NO.	0727
DESTINATION ADDRESS	13098202682
PSWD/SUBADDRESS	
DESTINATION ID	
ST. TIME	07/18 07:29
USAGE T	00' 26
PGS.	2
RESULT	OK

*** FAX TX REPORT ***

TX IMAGE SET NOT TO DISPLAY

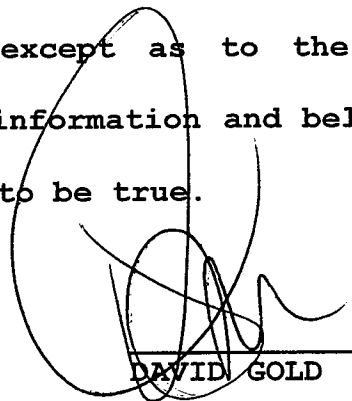
TRANSMISSION OK

JOB NO.	0527
DESTINATION ADDRESS	13098202682
PSWD/SUBADDRESS	
DESTINATION ID	
ST. TIME	07/09 07:58
USAGE T	00' 20
PGS.	1
RESULT	OK

INDIVIDUAL VERIFICATION

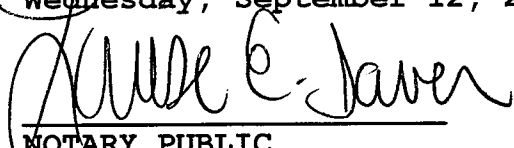
STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:

I, DAVID GOLD, being duly sworn, depose and say: I am the plaintiff in the within action; I have read the foregoing COMPLAINT and know the contents thereof; the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true.



DAVID GOLD

Sworn to before me this
Wednesday, September 12, 2007.



NOTARY PUBLIC
LOUISE E. SAUER
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01SA6094840
QUALIFIED IN NEW YORK COUNTY
COMMISSION EXPIRES 06/30/2011

DAVID J. GOLD, P.C.

CASE NO.:
CALENDAR NO.:
DJGPC FILE NO.: 1104124

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

=====

DAVID GOLD, on behalf of himself and all others similarly
situated,

PLAINTIFF,

-AGAINST-

AFNI, INC.,

DEFENDANT.

=====

SUMMONS IN A CIVIL ACTION AND VERIFIED COMPLAINT

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Pursuant TO 22 NYCRR 130-1.1, the undersigned, an attorney admitted to
practice in the courts of New York State certifies that, upon information
and belief and reasonable inquiry, the contentions contained in the annexed
document are not frivolous.

DAVID J. GOLD, P.C. (DG-4912)
ATTORNEY FOR PLAINTIFF
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116 JOHN STREET, SUITE 3110
NEW YORK, NEW YORK 10038-3411
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FAX: (212) 962-2919
E-MAIL: DJGPCESQ1@AOL.COM